

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CITY OF HUNTINGTON,

Plaintiff,

Civil Action No. 3:17-01362

v.

**AMERISOURCEBERGEN DRUG
CORPORATION, et. al,**

Defendants.

AND

CABELL COUNTY COMMISSION,

Plaintiff,

Civil Action No. 3:17-01665

v.

**AMERISOURCEBERGEN DRUG
CORPORATION, et. al,**

Defendants.

**NON-PARTY WEST VIRGINIA OFFICES OF THE INSURANCE COMMISSIONER'S
MOTION TO QUASH DEFENDANT MCKESSON CORPORATION'S
SUBPOENA TO PRODUCE DOCUMENTS AND SUBPOENA TO TESTIFY
AT A DEPOSITION IN A CIVIL ACTION**

Non-Party West Virginia Offices of the Insurance Commissioner ("WVOIC") files this Motion to Quash two subpoenas served upon it on March 17, 2020 by counsel for defendant McKesson Corporation. The WVOIC specifically moves to quash a "Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action" and a "Subpoena to Testify at a Deposition in a Civil Action." Copies of the subpoenas are attached as Exhibits A and B. The return date for both subpoenas is March 31, 2020.

WVOIC seeks to quash Defendant McKesson's subpoenas because they do not allow WVOIC a reasonable time to comply. *See* Fed. R. Civ. P. 45(c)(3)(i). Additionally, the broad scope of the subpoenas would render compliance unduly burdensome and the subpoenas seek information that is statutorily confidential. *See* Exhibit C, Affidavit of Erin K. Hunter. As it pertains to the subpoena for a deposition, the WVOIC additionally moves for a stay of the March 31, 2020 deposition for the reasons stated above in addition to social distancing and public health concerns related to the Covid-19 pandemic.

In the alternative, the WVOIC moves this Court to modify the subpoena in a manner that will expand the time for compliance to a period when the unprecedented pandemic-related office closures have ended. The WVOIC further requests modification that would limit the overly burdensome scope of the subpoenas.

Therefore, WVOIC respectfully requests that its Motion to Quash both subpoenas served upon it by McKesson Corporation be granted. A proposed Order is attached.

DATED: March 30, 2020

Respectfully submitted,

**WEST VIRGINIA OFFICES OF THE
INSURANCE COMMISSIONER**

By Counsel,

**PATRICK MORRISEY
ATTORNEY GENERAL**

Cassandra J. Means

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CERTIFICATE OF SERVICE

I, Cassandra L. Means, Assistant Attorney General, do hereby certify that on March 30, 2020 the foregoing “Non-Party West Virginia Offices of the Insurance Commissioner’s Motion to Quash Defendant McKesson Corporation’s Subpoena to Produce Documents and Subpoena to Testify at a Deposition in a Civil Action” was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following CM/ECR participant:

Jeffrey M. Wakefield



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